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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,390	06/15/2005	Martin Rogalla	4811/PCT	2852
21553	7590	11/09/2006	EXAMINER	
FASSE PATENT ATTORNEYS, P.A. P.O. BOX 726 HAMPDEN, ME 04444-0726			KWOK, HELEN C	
			ART UNIT	PAPER NUMBER
			2856	

DATE MAILED: 11/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/520,390

Applicant(s)

ROGALLA ET AL.

Examiner

Helen C. Kwok

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on January 4, 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 7 and 9-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7 and 9-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date January 4, 2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

2. The disclosure is objected to because of the following informalities. Appropriate correction is required.

The specification lacks the appropriate headings for an application. See, MPEP 608.01(a).

### ***Claim Objections***

3. Claims 1-4, 7 are 9-18 are objected to because of the following informalities. Appropriate correction is required.

In claim 1, lines 5-6, the phrase "the rotor axis" should be changed to – a rotor axis --. In line 7, the phrase "the outer periphery" should be changed to – an outer periphery --. In line 7, the phrase "the rotor" should be changed to – a rotor --.

In claim 2, line 4, the phrase "the gripper closing direction" should be changed to – a gripper closing direction --. In line 5, what is the word "they" referring to?

In claim 3, lines 4-5, the phrase "the longitudinal direction" should be changed to – a longitudinal direction --.

In claim 4, line 2, the word – the – should be inserted before the word "two".

In claim 7, line 5, the phrase "the longitudinal direction" should be changed to – a longitudinal direction --. In line 6, the word – the – should be inserted before the word "receivers".

In claim 9, line 5, the phrase "the longitudinal direction" should be changed to – a longitudinal direction --. In line 5, the phrase "the rotor" should be changed to – a rotor - -. In lines 6-7, the phrase "the balancing point" should be changed to – a balancing point --.

In claim 10, line 3, the phrase "the gripper closing direction" should be changed to – a gripper closing direction --.

In claim 18, line 3, the phrase – of the – should be inserted after the word "both".

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2-3, 7, 10 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, lines 8-9, the phrase "the first gripper unit" lacks antecedent basis.

In claim 3, lines 2-3, the phrase "the lower gripper unit" lacks antecedent basis. In line 4, the phrase "the unit" is vague. Which "the unit" is being referred here?

In claim 7, lines 2-3, the phrase "the lower gripper unit" lacks antecedent basis.

In claim 10, line 6, the phrase "the lower gripper unit" lacks antecedent basis.

In claim 12, line 4, the phrase "the lower gripper unit" lacks antecedent basis.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-4 and 9-13 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,539,852 (Ertl).

Ertl discloses a device for attaching compensation weight comprising, as illustrated in Figures 1-5, a plurality of compensation planes in a wheel or shaft in a balancing machine which includes at least one gripper-like device which is positioned along a rotor axis where a balancing weight can be placed on an outer periphery of a rotor of the wheel and fastened thereon wherein the gripper-like device is constructed to receive a plurality of balancing weights. (See, column , line to column , line ).

With regards to claims 2-4, Ertl further discloses two gripper units jointly displaceable in a longitudinal direction of the rotor for receiving a plurality of balancing weights.

With regards to claims 9-13 are commensurate in scope with the above claims and are rejected for the same reasons as set forth above.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,539,862 (Ertl) in view of JP 61-209780 (Genma).

With regards to claims 7 and 14-17, Ertl does not suggest a plurality of receivers for each of the gripper unit for balancing weights. Although Ertl teach one receiver, it would have been obvious to an artisan in the art to recognize the advantages and desirability to duplicate the receiver for each of the gripper unit for balancing weights without changing the operation and performance of the apparatus. (NOTE: St. Regis Paper Co. v. Bemis Co., Inc., 193 USPQ 8, 11 (7<sup>th</sup> cir. 1977)).

With regards to claim 18, Ertl does not disclose the gripper-like device is constructed as a welding device with electrodes. Genma discloses a gripper-like machine of a welding equipment with electrodes E for a balancing machine comprising, as illustrated in Figures 1-7. (See, Abstract). It would have been obvious to a person of ordinary skills in the art at the time of invention to have readily recognize the

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advantages and desirability of employing the welding device with electrodes as suggested by Genma to the device of Ertl to weld metallic pieces without any deflection nor deformation. (See, Abstract of Genma).

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references cited are related to dynamic balance adjusting devices.

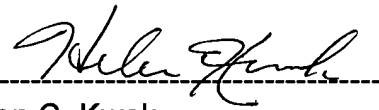
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen C. Kwok whose telephone number is (571) 272-2197. The examiner can normally be reached on 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in cursive script, appearing to read "Helen Kwok", written over a horizontal dashed line.

Helen C. Kwok  
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Hck  
November 2, 2006